

Justice and Home Affairs

Proposal for a regulation amending Regulation (EU) 2016/399 as regards the rules applicable to the temporary reintroduction of border control at internal borders

COM (2017) 571 final of 27/09/2017

Subsidiarity check (Article 88-6 of the Constitution)

COM 571 consists of a proposal for a regulation to amend the rules applicable to the temporary reintroduction of border control at internal borders.

Due to the migration crisis and terrorist attacks, internal border control, the Schengen Borders Code (CFS) has laid down the principle and adopted the modalities, has been reintroduced and extended some 50 times since September 2015, either for serious threat to public order or internal security (Article 25 of the Code) in the case of France, either because of exceptional circumstances endangering the overall functioning of the Schengen area (Article 29) in the case of five other Member States.

The persistence of difficulties highlights the inadequacy of the relevant provisions of the CFS and therefore the need to reform them. Thus, the proposal of the European Commission:

- from 6 months to 1 year the maximum duration of the internal border control reintroduced on the basis of Article 25 of the CFS and extends from 30 days to 6 months the duration of the extension of any renewable periods;
- provides for the possibility, in exceptional circumstances, of extending this control for renewable periods not exceeding six months and for a maximum of two years in accordance with the terms specified in a new Article 27a;
- introduces a new obligation for Member States to prepare and share a risk analysis demonstrating that internal border control is a measure of last resort and reporting on co-ordination with neighboring Member States concerned with the re-establishment of such control . In addition, Member States have to demonstrate a posteriori to what extent the reintroduction of such a control exceeding 6 months has made it possible to cope with the alleged threat. The Commission must share this risk analysis with Frontex and / or Europol;
- requires the Commission to draw up an opinion on the necessity or the proportionality of the reestablishment of this control or when it is reinstated for more than 6 months;
- introduces a new Article 27a in the CFS which determines the specific procedure in the event of a serious threat to public policy or internal security lasting more than 1 year: the Council may recommend this extraordinary extension taking into account the opinion of the Commission three times for periods not exceeding 6 months each.

This proposal for a regulation, which does not modify the criteria for the temporary reintroduction of internal border control (Article 26 of the CFS), takes into account requests from several Member States, including France and Germany, to increase security at the border. within the Schengen area. It makes it possible to modify the Schengen Borders Code while taking into account the field experience reported by the Member States.

In these circumstances, it does not appear to infringe the principle of subsidiarity and therefore does not justify further consideration in its examination under Article 88-6 of the Constitution.

Examination under Article 88-4 of the Constitution

Text tabled in the Senate on 25/10/2017

Review by the European Affairs Committee on 18/10/2018

This text was the subject of the motion for a resolution: European motion for a resolution on the follow-up to the conclusions of the Schengen inquiry (2018-2019): see [the legislative dossier](#)

Justice and Home Affairs

Information report, European motion for a resolution and political opinion by MM. André Reichardt, Jean-Yves Leconte and Olivier Henno

COM (2017) 571 final - Text E 12449

(Meeting of October 18, 2018)

Mr. Jean Bizet , President . - Our agenda calls for the consideration of the information report and the draft European resolution of our colleagues André Reichardt, Jean-Yves Leconte and Olivier Henno.

The management of the Schengen area agitates our public opinions. It nourishes populism and demonstrates the difficulty of the European Union to provide rapid and coordinated responses, although its interests are at stake. While flows have decreased significantly since 2015, the EU's ability to respond effectively to the magnitude of the challenge always questions. No single Member State can face it alone: cooperation and solidarity must prevail. Europe is awaited on its ability to protect its borders. It must fight criminal networks of smugglers, but also develop ambitious partnerships with countries of origin and transit.

The Senate has conducted extensive work on the subject through its commission of inquiry chaired by Jean-Claude Requier and François-Noël Buffet was rapporteur. Our report establishes a progress report on the implementation of its recommendations.

Mr Olivier Henno , rapporteur . - I would like to begin by thanking André Reichardt and Jean-Yves Leconte. We had interesting debates together.

The Senate, at the initiative of the group The Republicans, had constituted, in November 2016, a commission of inquiry on the European borders, the control of flows of people and goods in Europe and the future of the Schengen area. André Reichardt and Jean-Yves Leconte were members. On 29 March 2017, it adopted its report and its thirty-two proposals under six themes: consolidating the Schengen area prior to any enlargement, strengthening the protection of the external borders, reviewing border control conditions at the internal borders, making better use of improve information systems, improve detection and investigation tools and increase the transparency of Schengen acquis assessments. She established a triple observation: the free movement of people and goods is at the heart of European construction; 81% of Europeans, and 80% of French people, were then in favor; finally, an exit from Schengen would be extremely expensive for Europe as for France.

Given the subject of the commission of inquiry and developments since the tabling of its report, our commission has followed the news, illustrated by the permanence of the terrorist threat and the political sensitivity of migration management. The recommendations of the commission of inquiry were generally followed up. In this respect, our interlocutors, in Brussels in particular, have expressed a convergence of views with the European Commission and the Council.

The Schengen area has been built progressively and pragmatically. It must be able to adapt to a context that is evolving continuously, and while the geography of migration flows is changing recently. According to Frontex, the number of illegal border crossings in the European Union decreased by 60% in 2017 compared to the previous year, but remains high: 204 000 in 2017, after 511 000 in 2016 and 1.8 million in 2015. This development is mainly observable in the eastern and central Mediterranean, while the number of arrivals at sea by Spain has increased in the western Mediterranean.

It appears, however, that the Schengen area is not the subject of a common vision and that its reinforcement is not one of the national political priorities. States also have unequal technical resources and administrative and human resources. Therefore, the real Schengen reforms are not always implemented in a homogenous way across the whole territory of the European Union. I am thinking of the sharing of information in European databases, the transposition of the *passenger name record* (PNR) directive , police and judicial cooperation and border controls. A two-speed Schengen should be avoided.

The Schengen reform, which started in 2015, remains unfinished. The European Commission has also presented, together with President Juncker's speech on the state of the European Union on 12th September, new proposals for the creation of a European Border and Coast Guard Corps. , the evolution of the European Border Surveillance System (Eurosur), the European Union Agency for Asylum, the standards and procedures for the return of illegally staying third-country nationals and the strengthening of legal entry to Europe.

Given the importance of the subject, we decided to present a proposal for a European resolution, in order to formulate a position on the necessary reforms of the Schengen area

Our report, which analyzes by theme the follow-up of the conclusions of the commission of inquiry, mentions it.

The consolidation of the Schengen area prior to any further enlargement was a central theme of the Committee of Inquiry. The Schengen area has twenty-six Member States: twenty-two belonging to the European Union and four associates. Romania and Bulgaria wish to integrate it; their request had received a technical satisfaction from the European Commission as early as 2011. But the Council has not yet approved this enlargement and linked it to the Cooperation and Verification Mechanism (CVM) which follows the commitments of the two countries in the framework of their membership of the European Union, in particular respect for the rule of law, the independence of the judiciary and the fight against corruption. Therefore, Romania and Bulgaria continue to apply only partially the Schengen acquis. In line with the proposals of the commission of inquiry, however, they have obtained passive access to the Visa Information System (VIS) and can now fully feed into the Schengen Information System (SIS).

As regards the protection of the external borders, the Committee of Inquiry had decided in favor of the creation of a European Border Police. The integrated management of the external borders has undeniably progressed with the reinforcement of the Frontex mandate, the role entrusted to the agency in organizing return operations for irregular migrants and the constitution of a rapid reaction reserve. The European Commission has recently presented a text to further strengthen Frontex and to create a permanent European Border and Coast Guard Corps, with a target of 10,000 agents by 2020 and strengthened powers, including performance and return of irregular migrants under the control of the Member State.

The *hotspot* file has undergone major changes since the report of the commission of inquiry. The political sensitivity of the subject has increased in sharpness with the *Aquarius* affair and the Italian decision to close its ports at the landing of migrants, in a context already marked by the blocking of negotiations on "asylum packages", the reform of the Dublin Regulation in particular.

The European Council of 28 June, where the leaders sought to be part of the continuity of European action and to find solutions adapted to the context, proposed two new concepts: the regional landing platforms for the people rescued in the search and rescue operations framework, in close cooperation with the relevant third countries, the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM); and controlled centers established in voluntary Member States to which rescued persons would be transferred in accordance with international law. It would distinguish between irregular migrants, who would be returned, persons in need of international protection, asylum seekers. A reflection aimed at giving operational content to these concepts is under way, but the low readiness of the countries on the southern shores of the Mediterranean to accept the installation of landing platforms on their territory is an obvious difficulty.

Finally, the European Commission has proposed a reform of the Community Visa Code to establish a link between the issuing of European visas and the readmission of illegally staying third-country nationals. This cooperation is part of a global partnership launched between the European Union and Africa at the Valletta Summit in November 2015, and continued at the Malta and Abidjan summits in 2017.

On the technical aspect of the use of automated systems for the control of persons, to which 40% of passengers would already be eligible, progress can be observed with the deployment of Paraf seals at airports. Nevertheless, investments are still needed to acquire technological equipment, in order to maintain the smooth flow of border crossings when the new entry / exit information systems (SES) and the European information and authorization system concerning travels (Etias).

Lastly, the senate commission of inquiry had called for drawing budgetary consequences from the evolution of flows and controls. The multiannual financial framework 2021-2027 makes the management of migration and borders a priority for the future European budget: € 34.9 billion will be allocated to it over the period, ie a 2.6-fold increase in appropriations. The effort seems considerable.

Mr Jean-Yves Leconte , rapporteur . - Our report, factual, is about the implementation, by the European Union, of the proposals adopted by the senatorial commission of inquiry. The socialist and republican group had made a special contribution.

We must not, my dear colleagues, fear public opinion on the subject of European borders. Frontex figures show that irregular arrivals have decreased considerably since 2015 thanks to the measures taken by the European Union in a still uncertain international context. We must remember this reality to stop fueling fears. In fact, Europe is no longer in a migratory crisis like in 2015, but in a management of reception, the scope of which differs little from the situation of other developed countries.

I brought to the report some additions on the situation of Romania and Bulgaria. In view of the difficulties encountered

The senatorial commission of inquiry proposed to review the conditions of control at the internal borders. In the context of the migration crisis and the terrorist attacks, several Member States, including France, have reinstated controls, as allowed by the Schengen Borders Code (CFS). Germany, Austria, Denmark, Sweden and Norway based this recovery on migratory grounds (Article 29 of the CFS), France on grounds of serious threat to public order or internal security (Article 25). These controls have been repeatedly extended - they will still be in France until 30 April 2019.

In September 2017, the European Commission proposed to revise the CFS to extend the duration of the reinstatement of controls and to adapt it to new forms of threat. The lengthy and laborious negotiations have reduced the maximum period of recovery from one year to three years in the Commission's text and six months now, and substantially reduced the procedural framework envisaged. The European Parliament has yet to decide.

In addition, the conditions under which Member States may carry out checks in their border area outside periods of reinstatement of controls have been clarified. The measures envisaged must serve purposes and procedures clearly distinct from those of systematic checks at the external borders.

The senatorial commission of inquiry also advocated better use and improvement of information systems. The main project, which is politically sensitive and technically formidable, concerns the interoperability of the information systems of the European Union, designed autonomously so that they are not connected to each other. The information is therefore kept separately in the different systems, which partitions them and makes them complex to use. After a period of study and consultation, the European Commission made proposals to strengthen the mandate of the eu-Lisa agency, whose technical center is located in Strasbourg, and to establish a framework for interoperability of information systems, which in 2020-2021 will be six in number. It is a matter of making them simultaneously accessible to the repressive forces and to the judicial authorities: a single search would make it possible to obtain all the information relating to an individual. The interoperability of these systems nevertheless requires that Member States provide databases in strict compliance with the rule of law.

As for the development of detection and investigation tools, you know the issues related to the PNR directive and the difficulty of negotiations. The deadline for transposition has expired since 25 May. However, despite the assistance provided by the European Commission, five Member States still lag behind. They continue to be assisted, but are now subject to infringement procedures. France has transposed the PNR Directive by the laws of 30 October 2017 and 3 August 2018. This text will be reviewed in May 2020.

Intra-European flights and charter flights are included, as an option, in the PNR Directive. However, I recall that the lack of verification of the identity of air passengers between 2 November 2017 and 26 May 2018 has deprived this provision of any usefulness in terms of security. Since the end of the state of emergency until the restoration, admittedly partial, of the device, Air France has stopped checking the identity of passengers boarding flights within the Schengen area. This decision questions the coherence of public action ...

The committee of inquiry finally asked that the results of the Schengen acquis assessments be made more transparent thanks to the effective information of the national parliaments by the European Commission, as foreseen by a 2013 regulation. France was the subject of an evaluation in autumn 2016 in six areas: external border management, police cooperation, data protection, SIS, visa policy and return policy. However, Parliament, with the exception of the draft legislative acts adopted under this assessment, which are transmitted to it under Article 88-4 of the Constitution, was not the recipient of the results. The General Secretariat for European Affairs (SGAE), however, indicated that it could send us the plans for

If I submit to you, too, the proposal for a European resolution, it calls on me many reservations. The information we have on the quasi-sale of residence permits by some Member States, Malta and Cyprus in the lead, questions. Sometimes the smuggler is a state ... If we want to strengthen the control of access to the Schengen area, the visa issuing rules appear strategic. The file review must be of high quality and be timely. If entry into our territories became so difficult that it would be mythological, illegal ways would be favored. However, in some French consulates in Africa, the processing time for applications exceeds, for lack of sufficient means, fifty days.

Mr. Pierre Ouzoulias . - Turkey has a master card against the European Union. It can open its borders overnight so that we are confronted with a new migratory flow. How much does it cost us financially, diplomatically and politically? Because of this sword of Damocles, our diplomacy is limited in the face of dictatorial drift in Turkey. The proselytizing of the latter in France is unbearable. We will see the consequences in the next municipal elections. Today, there is no opposition to the game of Turkey. The consequences in the long term can be disastrous.

Mr. Jean Bizet , President . - You know how we responded to the Turkish ambassador during his visit. And we were

Mr André Gattolin . - The real problem of EU member countries that are not in the Schengen area, such as Romania, is corruption, including customs. Before the big migratory wave of 2015, most of the illegal entries that Greece was facing passed through the Athens airport, presumably with the logic of corruption. Corruption is widespread in Romania or Bulgaria. To say that there are rules is not enough; they must be applied. The journalist murdered in Malta disturbed local interests; his murderers, of Greek or Serbian origin, were able to quietly return to Greece after having killed her. We would like to know how some Member States are fulfilling their responsibilities and fulfilling their commitments.

It is absurd that the Principality of Andorra, located between France and Spain, is not in the Schengen area. How to ensure border control if there is not a minimum of territorial continuity? There is already an extremely fragmented peninsula, with many islands, close to the migration areas to our territories.

In point 16 of the European motion for a resolution, I propose to replace the words: "a comprehensive and complementary approach" with the words: "a complementary approach in a global framework", for the sake of clarity. I also wonder about the meaning, in point 18, of the invitation to "better reconcile respect for national sovereignty and the intervention of Frontex in the event of the failure of a Member State to protect the external borders of the European Union ". Should Frontex take the place of default while ensuring respect for national sovereignty?

Mr. Jean Bizet , President . - That's the difficulty. The external borders must be protected, and Frontex is our armed arm.

Mr André Gattolin . - National sovereignty is respect for public opinion and established powers. In case of failure, it is involved.

Mr Jean-Yves Leconte , rapporteur . - We know what we owe to Turkey, hence also our lack of credibility in the eyes of Turkish public opinion when we talk about human rights. The difficulty also lies in the way in which the image of the European Union is changing with the countries of the South.

What authority is there behind the Libyan coastguard? A puppet administration unable to leave its office or well-known organizations that have threatened our security?

Let us be careful not to place the fight against corruption in Romania and Bulgaria above the rule of law, as the European Commission tends to do. Let us not encourage these countries to practice, even for good reasons, what we criticize in others. In Romania, all the information available to the justice comes from the intelligence services. The European Union, which validates all the "laws of suspects", does not necessarily do useful work.

I propose nine amendments to the European proposal for a resolution.

In point 15, after the words: "one of the most important concrete achievements of the European construction", I propose to add the words: "which has allowed the establishment of effective cooperation mechanisms between the member countries for the benefit of their security, freedom of movement of persons and economic development ". Do not pose Schengen as a principle; always remember how it is a step forward. I would also like to replace the words "the migration crisis and the terrorist attacks" with the words: "the new geopolitical context". Let's avoid amalgam.

Mr André Reichardt , rapporteur . - I do not support it. To say that the construction of Europe has "enabled the establishment of effective mechanisms of cooperation between the member countries for the benefit of their security" is, it seems to me, to take our desires for realities. The Schengen area is a beautiful asset; But a lot remains to be done.

Mr Olivier Henno , rapporteur . - We can not hide the migration crisis and the terrorist attacks; not to mention a reality does not make it disappear.

Mr Jean-Yves Leconte , rapporteur . - Today we are safer than we were before the Schengen area. I wish to affirm it in the text.

Mr. Jean Bizet , President . - I suggest rejecting the proposed amendment.

Mr. Simon Sutour . - Our commission is trying to work in a consensual way. Simply, political differences sometimes appear; this may have been the case with the railway package. We will abstain.

Mr René Danesi . - A text must have an overall coherence. We can not say that the Schengen area works very well while proposing to do differently ...

Mr Jean-Yves Leconte , rapporteur . - But we can say that a prototype works and want to continue to progress on this basis.

Mr André Gattolin . - We might wonder about the intentions of our colleagues at the origin of the commission of inquiry into the future of the Schengen area and the return to national borders. We come back from a distance. Today, everyone recognizes that there is a Schengen acquis. I rejoice. Certainly, because of the geopolitical context and the evolution of migratory flows, we must do better today. But it would have been a genius to anticipate when creating the Schengen area. Similarly, the wording of Article 50 of the Treaty on European Union might have been more precise if we had been able to anticipate Brexit.

Mr Olivier Henno , rapporteur . - This proposal for a European resolution is a balance. Do not fall from one excesses into the other. It is a photograph of reality, which also presents some improvements.

Mr. Pierre Ouzoulis . - I will abstain myself too. Let us avoid an absolute parallel between terrorist attacks and reinforcement of Schengen. Unfortunately, the terrorist attacks were perpetrated by European nationals, even though they were logistically and financially assisted from abroad. But it is not by closing the borders that we will avoid attacks, which are linked to a state of social decomposition that we must not accuse the foreigner.

Mr Jean-Yves Leconte , rapporteur . - It's necessary to choose. Either you say that you care about Schengen, even if it is difficult. Either you say we have changed context, and that Schengen is a constraint. If you do not remember the Schengen achievements, you let people believe that it is only a constraint. If you do not say that for the last four years the European Union has reduced flows, how can citizens know? This is the difference between a populist and a politician! I therefore propose to delete paragraph 17. The meaning of the Schengen reform can not be to re-establish internal border controls.

In point 18, choices must be made. If we approve of the objective of "a true police at the European borders", we can not maintain "invites to reconcile the respect of national sovereignty and the intervention of Frontex in the event of the failure of a Member State in its mission for the protection of the external borders of the European Union ". I propose to replace this sentence by "recalls that the communitarisation of border surveillance implies a gradual convergence of the migration policies of the Member States. "

In point 21, I propose to make it clear that the distinction is not made on the wet finger, but through the asylum procedure, by replacing "recalls that refugees must be distinguished from economically motivated migrants" by " recalls that it is the procedure for studying an asylum application that is intended to distinguish people in need of protection from those with other motivations, including economic motivations ".

At the end of point 22, I propose to replace "optional remainder" by "if its use is to be confirmed, remains optional, and that the possible application of this does not undermine the cooperation between the Member States of the Union. asylum, nor their respect for the Geneva Convention ". Since I made this proposal, the administrative court has twice refused "dublinages" to Italy, given the Italian migration policy. If we set up safe third countries outside the Union, we will not be able to enhance European cooperation on asylum. An opinion of the Council of State confirms it: France will not be able to appeal to the return to safe third countries, as this would be contrary to our principles on the right of asylum.

I propose to draft point 24 as follows: "Request that the current reform of the Community Visa Code limit to very exceptional situations the possibilities of linking visa policy to the issue of consular laissez-passer. It is important to take into account all the dimensions of our relations with the countries of origin, namely commercial, academic, security, or historical links ". If we make it a general policy, we are weakening.

Finally, I propose to add three points after point 26: "Recalls that a condition of interoperability between files and the development of possibilities for Member States to inform and use European information systems requires respect the rule of law and the separation of powers by all the Member States";

"Calls for persons granted international protection to enjoy the same right to settle in the European Union as nationals of the country granting asylum" - once a refugee has protection, it will have the right to change countries, which dramatizes the situation with the countries of first arrival;

"Calls for the establishment of a system of solidarity distribution between Member States to be accompanied by a European mechanism for evaluating the processing of asylum applications, so that the applicants concerned by this division have access to a right equal to the protection which does not depend on the host country ". Some countries, forced to take asylum seekers on pain of being deprived of cohesion funds, will tend to systematically refuse them.

Mr André Reichardt , rapporteur . - We did not want to incorporate these amendments, each of which would merit special consideration and change the balance of the text.

Mr André Gattolin - I would have liked to change point 18: we may wish to "eventually achieve the creation of a

Mr Jean-Yves Leconte , rapporteur . - If you ask that you do not ask both things "at the same time" ...

Mr. Jean Bizet , President . - I bring up this subject as soon as I can. Community services are in negotiation with these failing Member States. This is not yet satisfactory: we must find a fair balance between Frontex and the sovereignty of these states, which sometimes did not realize that their borders were also those of the Union.

Mr André Gattolin . - If Schengen candidate countries do not understand this, they are not really candidates ...

Mr. Jean Bizet , President . - I propose that we remain faithful to the spirit of the text. Thanks to Simon Sutour for recalling the uses of the commission. I note that the three rapporteurs are co-sponsoring the information report, but that Jean-Yves Leconte is dissociating himself from the European proposal for a resolution.

At the end of the debate, the committee unanimously authorizes the publication of the information report and adopts - the Socialist and Republican groups, the Republican Communist citizen and the ecologist, The Republic in March abstaining - the motion for a resolution following political opinion and to the European Commission:

European motion for a resolution

- (1) The Senate,
- (2) In view of Article 88-4 of the Constitution,
- (3) Having regard to the report (No. 484, 2016-2017) of the Senate Committee of Inquiry of 29 March 2017 on European borders, the control of the flow of people and goods in Europe and the future of the Schengen area,
- (4) Having regard to the Commission Communication of 27 September 2017 entitled Preserving and strengthening Schengen (Text COM (2017) 570 final),
- (5) Having regard to the proposal for a Regulation of 27 September 2017 amending Regulation (EU) 2016/399 as regards the rules applicable to the temporary reintroduction of border control at internal borders (text COM (2017) 571 final),
- (6) Having regard to the proposals for a regulation of 12 December 2017 establishing a framework for the interoperability of the European Union's information systems, on the one hand, with regard to borders and visas (text COM (2017) 793 final), and, on the other hand, in the area of police and judicial cooperation, asylum and migration (text COM (2017) 794 final),
- (7) Having regard to the proposal for a Regulation of 14 March 2018 amending Regulation (EC) No 810/2009 establishing a Community Code for Visas (Text COM (2018) 252 final),
- (8) Having regard to the Commission Communication of 2 May 2018 entitled A Modern Budget for a Union that Protects, Empowers and Supports - Multiannual Financial Framework 2021-2027 (Text COM (2018) 321 final),
- (9) Having regard to the Commission Communication of 16 May 2018 presenting the progress report on the implementation of the European Agenda on Migration (text COM (2018) 301 final),
- (10) Having regard to the proposals for a Regulation of 12 June 2018 establishing the Asylum and Migration Fund (text COM (2018) 471 final), and, in the context of the Fund for Integrated Border Management, on the one hand, the instrument financial support in the area of border and visa management (text COM (2018) 473 final), and the financial support instrument for customs control equipment (text COM (2018) 474 final),
- (11) Having regard to the Commission communication of 13 June 2018 presenting the fifteenth report on the progress made in establishing a real and effective security union (text COM (2018) 470 final),
- (12) Having regard to the Franco-German Meseberg Declaration of 19 June 2018 entitled Renewing Europe's promises on security and prosperity,
- (13) Having regard to the conclusions of the European Council of 28 June 2018, in particular paragraphs 1 to 12,
- (14) Having regard to the Commission's contributions to the meeting of the leaders in Salzburg on 19 and 20 September 2018, namely a proposal for a Regulation on the European Border and Coast Guard (COM (2018) 631 final) , accompanied by an evaluation report of the European Border Surveillance System (Eurosur) (text COM (2018) 632 final), an amended proposal for a Regulation on the European Union Agency for Asylum (text COM (2018) 633 final) and a proposal for a Directive on common standards and procedures in Member States for the

(15) Reaffirms its strong attachment to the area of free movement represented by the Schengen area, one of the most important concrete achievements of European integration; therefore, in view of the weaknesses revealed by the migration crisis and the terrorist attacks in the functioning of this area, the important reforms undertaken in recent years to strengthen Schengen, in particular in the direction of greater security, ; believes that the Member States must apply the full Schengen acquis; considers it essential to avoid any unilateral action detrimental to the coherence and effectiveness of the Schengen area;

(16) Insists that the reinforcement of the control of the external borders of the European Union and the asylum, immigration and integration policies be the subject of a complementary approach within a global framework;

(17) Calls for the swift conclusion of the negotiations on the revision of the Schengen Borders Code for the reintroduction of internal border control, which can only be temporary, in order to have a legislative framework adapted to new forms of threats and sufficiently flexible to allow Member States to exercise their powers of law enforcement and the safeguarding of internal security, which are not called into question by the European Treaties;

(18) Supports the reinforcement of Frontex's mandate and resources, in particular giving it access to all the European Union's information systems in order to enable it to analyze phenomena at the external borders and the evolution of border movements ; Calls on the Member States to strengthen their cooperation with Frontex, sharing more information with it and developing joint actions and exercises; endorses the objective of eventually achieving the creation of a genuine police force at the European borders; Calls for a better reconciliation of respect for national sovereignty and Frontex's intervention in the event of the failure of a Member State to protect the external borders of the European Union;

(19) Welcomes the Commission's assistance to Member States in transposing the Passenger Name Record (PNR) Directive; noting that the deadline for transposition of this Directive has now expired, is, however, deeply concerned by the delay by several Member States, which may be detrimental to the overall effectiveness of this Directive, which has been particularly long negotiated; recommends the establishment of a European legal framework to harmonize the conditions for the collection and processing of PNR data for non-air transport modes;

(20) Takes note of the progress of the negotiations on the two "asylum packages" and deeply regrets the deadlock on the Dublin Regulation, which prevents the adoption of all the proposed texts; strongly hopes that the Council will conclude these negotiations as soon as possible in order to strike the right balance between the responsibility of the Member State of first entry and solidarity within the European Union in the event of a crisis; considers that certain flexibilities could help to achieve this balance;

(21) Reaffirms its unwavering commitment to the right to asylum and to the respect by Member States of their commitments under the Geneva Convention; therefore, condemns any attempt to expel migrants; recalls that refugees must be distinguished from economically motivated migrants; asks that, in order to make them operational, the concepts of regional landing platforms and controlled centers, which should be seen as complementary instruments of European solidarity, in accordance with international law and the requirements of the European Convention on human rights and in cooperation with the third countries concerned;

(22) Calls for the revision of the Procedures Directive to ensure that Member States' application of the safe third country concept remains optional;

(23) Is convinced that the strengthening of the European Union's external borders and the control of migratory flows can not progress without a deep and fruitful cooperation with the countries of origin and transit of migrants; to this end, calls for full implementation of the commitments made at the Valetta, Malta and Abidjan Summits on the Global Partnership between the European Union and Africa, including the Trust Fund's urgency for Africa (FFU), in a context of growing African demography; recalls the importance of the European Investment Bank's action for Africa's development; recalls that development is a long-term response to the migration issue;

(24) Calls for the current reform of the Community Visa Code to establish a link between visa policy and migration policy in order to facilitate the readmission of illegally staying third-country nationals; considers that this link must be gradual and respectful of the decision-making power of the Member States and that the consular authorities can continue to provide individual requests; is in favor of an incentive mechanism for the benefit of the cooperating third States with regard to the return of their nationals;

(25) Invite à poursuivre les négociations avec les pays tiers sur le retour et la réadmission et considère en ce sens nécessaire de réviser la directive 2008/115/CE relative aux normes et procédures communes applicables dans les États membres au retour des ressortissants de pays tiers en séjour irrégulier, tout en en préservant les garanties ;

be readable by the authorities of each Member State and allows consideration of emergency situations requiring immediate access by police services to the data recorded in the systems for investigation purposes; insists that Europol can have wide access to

(27) Demands to ensure that migration management and the integrated management of the external borders of the European Union remain priorities during the negotiations of the Multiannual Financial Framework 2021-2027; notes that Member States will have to invest in technological equipment, meeting reference standards defined with the eu-LISA agency, allowing automatic checks so that the implementation of future European information systems does not reduce the fluidity border crossing;

(28) Urges the Commission to implement the provisions of Article 19 of Regulation (EU) No 1053/2013 which require it to inform national Parliaments of the content and results of the evaluation of the acquired from Schengen;

(29) Invites the Government to support these guidelines and to promote them in the current and future negotiations.